

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

October 19, 2007

Charles R. Fulbruge III
Clerk

No. 07-60001
Summary Calendar

DALIBOR CERAN

Petitioner

v.

PETER D KEISLER, ACTING U S ATTORNEY GENERAL

Respondent

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A74 668 676

Before KING, DeMOSS, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Dalibor Ceran, a native and citizen of Croatia, has petitioned for review of a decision of the Board of Immigration Appeals denying his applications for asylum, withholding of removal and protection under the Convention Against Torture (CAT). In his pro se brief, Ceran argues that he received ineffective assistance of counsel before the immigration judge with respect to his application for relief under the CAT. Because Ceran has not exhausted this

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

issue, this court lacks jurisdiction to consider it. See 8 U.S.C. § 1252(d)(1); Wang v. Ashcroft, [260 F.3d 448, 452](#) (5th Cir. 2001).

Ceran also contends that the immigration judge erred in denying his application for relief under the CAT. Ceran, however, does not base his argument on the evidence before the immigration judge. Ceran argues only that he could have obtained relief if his attorney had presented additional evidence. Ceran's failure to properly brief the denial of CAT relief is the same as if he had not appealed that issue. See *Soadjede v. Ashcroft*, [324 F.3d 830, 833](#) (5th Cir. 2003).

Ceran's petition for review is DENIED.